

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

YONG KAI ZHANG,

Plaintiff,

INDEX NO.

1:18-CV-03189

-against-

VERIFIED ANSWER

WAI REALTY CORP., JJW ENTERPRISES, INC.,
BOWNETREE LL CORP., JOHN WAI a/k/a DING GUANG
WAI, BENJAMIN WAI, JENNY ZHANG, and ZHI BIN WAI,

Defendants.

C O U N S E L O R S :

The Defendants WAI REALTY CORP., JJW ENTERPRISES, INC., JOHN WAI a/k/a DING GUANG WAI, BENJAMIN WAI, JENNY ZHANG, and ZHI BIN WAI, by their attorneys, Rosado, Apat & Dudley, LLP, as and for their *Verified Answer* to the *Complaint*, respectfully allege, upon information and belief:

1. Deny each and every allegation contained in paragraphs numbered 1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 62, 63, 65, 66, 70, 71, 72, 73, 74, 75, 78, 79, 81, 82, 83, 84, 85, 86, 88, 89, 90, 92, 95, 98 of the *Complaint*.

2. Deny each and every allegation contained in paragraphs numbered 9, 10, 11, 12, 41, 45, 60, 61, 64, 68, 69, 77, 80, 91, 94, 97, and 99, deferring all conclusions of law to the Court and all facts to the trier of facts.

3. Lack information or knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs numbered 20, 21, 22, 23, of the *Complaint*.

4. Admit each and every allegation contained in paragraphs number 45 except deferring all conclusions of law to the Court and all facts to the trier of facts.

5. As and for a response to Paragraphs 59, 67, 76, 87, 93 and 96 of the *Verified*

Complaint the answering Defendants repeat, reiterate and reallege each and every answer to the allegations contained in the paragraphs of the *Verified Complaint* numbered 1 through 99. With the same force and effect as though set forth more fully herein at length.

AFFIRMATIVE DEFENSES

As and for a First Affirmative Defense

Defendants acted in good faith and reasonable grounds for believing that they acted properly in their pay practices with respect to the Plaintiff.

As and for a Second Affirmative Defense

No act or omission of Defendants was willful, knowing or in reckless disregard of applicable law.

As and for a Third Affirmative Defense

Defendants are entitled to a set-off for any amounts already paid in wages to which the employee was not entitled. This set-off may include payment for hours during which the employee was not working and was out of the state and/or was out of the country or incentive payments for which a nonexempt employee was not eligible during any period in which the employee was classified as exempt from minimum wage and overtime requirements.

As and for a Fourth Affirmative Defense

Defendants are entitled to a set-off for the amount of the fair market value of the apartment which was provided to the Plaintiff without charge as part of Plaintiff's compensation package.

As and for a Fifth Affirmative Defense

Defendants hereby gives notice that it intends to rely upon such other and further defenses as may become available during discovery in this action and reserves the right to amend their *Answer* to assert any such defenses.

WHEREFORE, the Defendants respectfully request judgment dismissing the *Complaint*, granting the costs and disbursements of this action, and for such other and further relief as to this Court may seem just and proper.

***Dated: Hicksville, New York
September 27, 2018***



By: Richard H. Apat
ROSADO, APAT & DUDLEY, LLP

Attorneys for Defendants

WAI REALTY CORP., JJW ENTERPRISES, INC., JOHN
WAI a/k/a DING GUANG WAI, BENJAMIN WAI, JENNY
ZHANG, and ZHI BIN WAI
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VERIFICATION

WAI REALTY CORP., JJW ENTERPRISES, INC., BOWNETREE
LL CORP., JOHN WAI a/k/a DING GUANG WAI, BENJAMIN
WAI, JENNY ZHANG, and ZHI BIN WAI,

Defendants.

STATE OF NEW YORK)
COUNTY OF Queens) ss.:


BENJAMIN WAI, being duly sworn, deposes and says:

That I am one of the Defendants in the within action.

I have read the foregoing *VERIFIED ANSWER* and know the contents thereof and the same is true to the best of my knowledge, except as to those matters herein stated to be alleged upon information and belief and that as to those matters, I believe them to be true.


BENJAMIN WAI

Sworn to before me this
27th day of September, 2018


NOTARY PUBLIC

YUN OU
Notary Public - State of New York
NO. 010U6306381
Qualified in Queens County
My Commission Expires Jun 23, 2022